

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

HOWARD ELLIS,)	3:08-cv-00657-ECR-WGC
)	
Plaintiff,)	MINUTES OF THE COURT
)	
vs.)	DATE: August 16, 2012
)	
JAMES BENEDETTI, et al.,)	
)	
Defendant(s).)	
)	

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

Judicial Assistant: Candace Knab Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

On May 15, 2012, the Magistrate Judge filed a Report and Recommendation (#185) recommending that Plaintiff's Motion for Injunction (#154), filed on March 19, 2012, and Motion for Evidentiary Hearing (#176), filed on April 18, 2012, be denied. Plaintiff filed Objections (#188) on May 24, 2012. Defendants did not respond.

The Objections are not well-taken and are overruled. We agree with the Magistrate Judge that Plaintiff is not entitled to injunctive relief regarding a claim that was not stated in the amended complaint (#38). Count II of the amended complaint (#38) alleges that Plaintiff received inadequate medical care for a broken finger following an assault, while Plaintiff's Motion for Injunction (#154) relates to an implantable cardioverter-defibrillator ("ICD"). The Magistrate Judge was correct in stating that Plaintiff is not permitted to file a complaint in federal court and then use that action as a forum to air unrelated grievances. Injunctive relief is an extraordinary remedy used to address issues related to the underlying violations presented in the complaint - the ICD issue was not presented in the complaint.

We also agree with the Magistrate Judge with regard to Plaintiff's Motion for Evidentiary Hearing (#176) in connection with the Motion for

Injunction (#154). Local Rule 78-2 provides that the Court, in its discretion, may consider and decide a motion with or without a hearing. Plaintiff's Motion for Injunction (#154) was fully briefed by both parties and did not present a complicated issue. A hearing is therefore unnecessary and will be denied in the Court's discretion.

IT IS, THEREFORE, HEREBY ORDERED that the Magistrate Judge's Report and Recommendation (#185) is well taken and is **APPROVED** and **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Injunction (#154) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Evidentiary Hearing (#176) is **DENIED**.

LANCE S. WILSON, CLERK

By _____ /s/
Deputy Clerk